

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CRAIG ALAN TOAZ,	:	CIVIL ACTION NO. 3:17-cv-1425
	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	
	:	
WARDEN KATHY P. LANE, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, to wit, this 22nd day of March 2018, upon consideration of Defendants' motion (Doc. 15) for summary judgment pursuant to Federal Rule of Civil Procedure 56(a), and for the reasons set forth in the Court's Memorandum of the same date, it is hereby **ORDERED** that:

1. Defendants' motion (Doc. 15) for summary judgment on the issue of administrative exhaustion is DENIED.
2. Defendants shall, within the timeframe proscribed by the Federal Rules of Civil Procedure, file an Answer or appropriate pretrial motion addressing the merits of Plaintiff's complaint.
3. Plaintiff's motion (Doc. 24) for leave to file a sur reply is DENIED as moot.
4. Plaintiff is afforded twenty days from the date of this Order to provide the identity and address of the "One Unknown Correctional Officer." Failure

to do so will result in the dismissal of this defendant pursuant to Federal Rule of Civil Procedure 4(m).

BY THE COURT:

s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court